## REMARKS

This is intended as a full and complete response to the Office Action dated November 5, 2003, having a shortened statutory period for response extended one month set to expire on March 5, 2004. Claims 1-34, 42-59, and 61-73 are pending in the application. Please reconsider the claims pending for the reasons stated herein.

### Rejections Under 35 U.S.C. § 102

Claims 1-12, 20-21, 24-26, 32, and 71-73 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5.662,165 ("*Tubel*").

Applicants respectfully traverse the rejection. *Tubel* discloses a downhole control system that has a closed-ended communication system in which a remote central control center communicates wirelessly through telephone wires with a plurality of oil well platforms. The downhole control system includes a downhole processor that automatically executes instructions for actuating electromechanical drivers or other electronic control apparatus. However, *Tubel* does not teach, show, or suggest one or more remote controllers disposed in communication through a server with the surface control and data acquisition systems, wherein the one or more remote controllers may reprogram a processor of the one or more surface control and data acquisition systems, as recited in amended claims 1-12, 20-21, 24-26, 32, and 71-73. Therefore, Applicants believe that claims 1-12, 20-21, 24-26, 32, and 71-73 are in condition for allowance, and respectfully request allowance of the same.

### Rejections Under 35 U.S.C. § 103

Claims 13-19 and 27-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tubel* as applied to claims 1 and 24 above, and further in view of U.S. Patent No. 6,089,832 (*Patterson).*

Applicants respectfully traverse the rejection. As discussed above, *Tubel* does not teach, show, or suggest one or more remote controllers disposed in communication through a server with the surface control and data acquisition systems, wherein the one

or more remote controllers may reprogram a processor of the one or more surface control and data acquisition systems. *Patterson* discloses a retrievable downhole pump system. These references, alone or in combination, do not teach, show, or suggest a control system having one or more remote controllers that may reprogram a processor of the one or more surface control and data acquisition systems, as recited in claims 13-19 and 27-31. Therefore, Applicants believe that claims 13-19 and 27-31 are in condition for allowance and respectfully request allowance of the same.

Claims 22-23, 33-34, 57-59, and 61-70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tubel* and U.S. Patent No. 6,356,205 ("*Salvo*").

Applicants respectfully traverse the rejection. As previously discussed, *Tubel* discloses a downhole control system that has a closed-ended communication system in which a remote central control center communicates wirelessly through telephone wires with a plurality of oil well platforms. *Salvo* generally discloses a system using the internet for remote monitoring of ground water characteristics such as contaminants; water quality parameters; groundwater level; and impurities, including benzene, toluene, chlorinated solvents, ethyl-benzene, aromatic hydrocarbons, xylenes (BTEX). One of ordinary skill in the art at the time the present invention was made would not consider using the system for remote monitoring of ground water as disclosed in *Salvo* with the downhole control system disclosed in *Tubel* because the references are not in the same field of endeavor. In other words, the system disclosed in *Salvo* is used to monitor ground water characteristics in fluid flow at airports (including, but not limited to, glycol runoff), land fills, aquifers, ground water wells, sewer and sewerage systems. In contrast, the downhole control system disclosed in *Tubel* is used to monitor various downhole parameters in gas and oil wells and automatically execute control instructions when the monitored downhole parameters are outside a selected operating range. In this respect, the references, neither alone nor in combination, teach, show, or suggest an apparatus having a remote controller comprising a computer having an internet access, as recited in claims 22-23, 33-34, 57-59, and 61-70. Therefore, Applicants believe that claims 22-23, 33-34, 57-59, and 61-70 are in condition for allowance and respectfully request allowance of the same.

Claims 42-56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tubel* and U.S. Patent No. 4,676,313 ("*Rinaldi*") and further in view of *Salvo*.

Applicants respectfully traverse the rejection. As discussed above and previously, *Tubel* does not teach, show, or suggest one or more remote controllers disposed in communication through a server with the surface control and data acquisition systems, wherein the one or more remote controllers may reprogram a processor of the one or more surface control and data acquisition systems. As previously discussed, *Salvo* discloses a system using the internet for remote monitoring of ground water characteristics. *Rinaldi* discloses a system for determining optimum reservoir productivity. These references, neither alone nor in combination, teach, show, or suggest transmitting signals between the control and data acquisition system and a remote controller through a server utilizing a communication system, the remote controller comprising a computer having an internet access, wherein the remote controller sends commands via the internet access to the control and data acquisition system to change parameters inside the control and data acquisition system, as recited in claims 42-56. Therefore, Applicants believe that claims 42-56 are in condition for allowance and respectfully request allowance of the same.

## CONCLUSION

The references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

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